



City of Seattle

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Gregory J. Nickels, Mayor  
**Department of Planning and Development**  
D. M. Sugimura, Director

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR OF  
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

**Application Number:** 2307975  
**Applicant Name:** Julie Ledoux  
**Address of Proposal:** 3017 Northeast 97<sup>th</sup> Street

**SUMMARY OF PROPOSED ACTION**

Master Use Permit to subdivide one parcel into two parcels of land. Proposed parcel sizes are:  
A) 6,815.70 sq. ft. and B) 6,817.30 sq. ft. Existing single family residence and detached greenhouse to be removed.

The following approval is required:

**Short Subdivision** - to subdivide one existing parcel into two parcels.-  
(Chapter 23.24, Seattle Municipal Code).

**SEPA DETERMINATION:** ☒ Exempt ☐ DNS ☐ MDNS ☐ EIS

☐ DNS with conditions

☐ DNS involving non-exempt grading or demolition or involving  
another agency with jurisdiction

## **BACKGROUND DATA**

### **Site & Area Description**

This 13,635 square foot (sq. ft.) project site is located in a Single Family residential zone with a minimum lot size of 7,200 square feet (SF 7200), located in the northeast area of the City of Seattle. The parcel is a rectangular shaped lot located on the south side of Northeast 97<sup>th</sup> Street. An existing house and detached greenhouse resides on the site. The subject lot slopes gently upward from the north street-facing property line, becomes level, and then slopes downward near the west property line where vegetation and a rock wall reside. Northeast 97<sup>th</sup> Street is a paved roadway with no sidewalks, curbs nor gutters on both sides of the street. Even though the subject site is not located within any identified or designated Environmentally Critical Area (ECA), the subject site's southwest corner is located near a mapped 40% steep slope and Riparian Corridor ECA. Northeast 97<sup>th</sup> Street is classified as a Non-arterial Street, pursuant to SMC Chapter 23.53. Surrounding properties and blocks are also zoned SF 7200. Development in the area consists of a variety one and two-story single-family houses of varying age and architectural style on a variety of lot sizes, consistent with the zoning designations.

### **Proposal**

The proposal is to subdivide one parcel of land into two (2) lots. Proposed lot areas are indicated in the summary above. Both proposed parcel A and parcel B will have direct access to Northeast 97<sup>th</sup> Street. The existing single family residence and the detached greenhouse will be removed.

No development or construction activities are associated with the current proposal. The subject of this analysis and decision is restricted to the proposed division of land.

### **Public Comment**

During the public comment period which ended January 14, 2004, DPD received fourteen (14) written comment letters including a letter that had signature sheet attachment comprising of twenty-two (22) signatures from neighbors. The comment letters voiced concerns related to the following:

- Negative impacts to the historic character of the neighborhood and the quality of life.
- Increased noise levels and traffic congestion due to construction impacts.
- Increased vehicle traffic and decreased street parking on narrow unimproved dead end street.
- Construction impacts to neighboring properties located in mapped ECA 40% steep slope and Riparian Corridor areas.
- Increased consumption of overburdened utilities-electrical, water and sewer.
- Adverse impacts to Thornton Creek.
- Negative impacts to neighboring property values.

## **ANALYSIS - SHORT SUBDIVISION**

Pursuant to SMC 23.24.040, no short plat shall be approved unless all of the following facts and conditions are found to exist:

1. *Conformance to the applicable Land Use Code provisions;*
2. *Adequacy of access for vehicles, utilities, and fire protection, as provided in Section 23.53.005;*
3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*
4. *Whether the public use and interests are served by permitting the proposed division of land;*
5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions, in environmentally critical areas;*
6. *Is designed to maximize the retention of existing trees;*
7. *Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single-family housing.*

Based on information provided by the applicant, referral comments from the Building Plans Examiner, the Drainage Section, the Fire Department, Seattle Public Utilities (City Light and the Water Department), and review by the Land Use Planner, the following findings are made with respect to the above-cited criteria:

1. *Conformance to the applicable Land Use Code provisions;*

The subject property is zoned for single-family residential with a minimum lot size of 7,200 square feet. The allowed use in a single family zone is one dwelling unit per lot, with accessory dwelling units meeting the provisions of SMC 23.44.041 notwithstanding. Maximum lot coverage is 35%. Front setbacks are an average of the neighboring adjacent lots, or twenty (20) feet, whichever is less. The minimum side yard setbacks are five (5) feet. Minimum rear yard setbacks are twenty-five (25) feet or if lot depth is less than one-hundred twenty five feet (125'), 20% of lot depth.

This short subdivision was submitted on the basis of application of the 75% - 80% rule pursuant to SMC 23.44.010.B.1.b. By subdivision, lots in a single family zone may be created which are “[a]t least seventy-five (75) percent of the minimum required lot area and [are] at least eighty

(80) percent of the mean lot area of the lots on the same block face within which the lot will be located and within the same zone”. Seventy-five (75) percent of the minimum lot size of the SF 7200 zone is 5,400 square feet. Eighty percent of the mean lot sizes of the lots on the subject block face between unimproved 30<sup>th</sup> Avenue Northeast and 32<sup>nd</sup> Avenue Northeast, exclusive of the subject lot, are 5,105.60 square feet, according to information submitted in the application. The proposed lot areas of Lots A and B, 6,815.70 and 6,817.30 square feet respectively, are greater than eighty percent of the mean lot area of the lots on the same block face (5,105.60 sq. ft.) and greater than seventy-five (75) percent of the minimum required lot area (5,400 sq. ft.). Thus, the proposed lot configuration meets the exception to the minimum lot area as contained in SMC 23.44.010.B.1.b.

The lots created by this proposed division of land will conform to all development standards of the SF 7200 zoning designation. The proposed parcels provide adequate buildable area to meet applicable setbacks, lot coverage requirements, and other Land Use Code development standards.

2. *Adequacy of access for vehicles, utilities, and fire protection, as provided in Section 23.53.005;*

Proposed parcels A and B will have direct vehicle access to Northeast 97<sup>th</sup> Street. The Seattle Fire Department has no objection to the proposed short plat. All private utilities are available in this area. Seattle City Light provides electrical service to the proposed short plat. City Light has reviewed the proposal and does not require an easement to provide for electrical facilities and service to the proposed lots. This short plat provides for adequate access for vehicles, utilities, and fire protection.

3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*

This area is served with domestic water, sanitary sewer, and storm drain facilities by the City of Seattle. Availability of service is assured subject to standard conditions of utility extension. The short plat application has been reviewed by Seattle Public Utilities and a Water Availability Certificate was issued on December 12, 2003 (WAC ID No. 2003-1348).

An 8-inch public sanitary sewer (PSS) located in Northeast 97<sup>th</sup> Street is available for sanitary discharge from both proposed parcels.

There are no storm drains, ditches or culverts of record available to the proposed parcels. If infiltration is proposed as a method of stormwater control from new construction, geotechnical verification will be required due to the proximity of a possible steep slope ECA at the southwest corner of the property.

Thornton Creek or a tributary, may cross beneath the property, east to west, in a culvert. The creek or tributary is collected by a culvert at 3236 Northeast 97<sup>th</sup> Street, due east of the site, and discharged from a culvert in the 30<sup>th</sup> Avenue Northeast right-of-way, west of the site.

In order to avoid stormwater run-off into nearby Thornton Creek, the short plat will be conditioned to provide an engineered drainage control plan that includes both parcels prior to issuance of any related building permit.

4. *Whether the public use and interests are served by permitting the proposed division of land;*

The proposed short subdivision will meet all the applicable Land Use Code provisions. The proposed development has adequate access for vehicles, utilities and fire protection, and has adequate drainage, water supply and sanitary sewage disposal. The public use and interest will be served with this proposal because additional opportunities for housing would be provided within the City limits as a result of this subdivision. The proposal will meet all applicable criteria for approval of a short plat upon completion of the conditions in this analysis and decision.

5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions, in environmentally critical areas;*

This site is not located in any environmentally critical area as defined in SMC 25.09.240. There are no environmentally critical areas mapped or otherwise observed on the site.

6. *Is designed to maximize the retention of existing trees;*

There are eleven (11) trees located on the site. Most of these trees can be preserved, depending upon the location of any future construction, the extent of the root systems and the overall health of the trees. Two (2) trees will likely be removed from Parcel A and possibly two (2) trees will be removed from Parcel B, as the trees are located in or near the required yards out of the buildable area. Based on a site inspection conducted by the City Forester, Parcel A has a 16" diameter Pacific Dogwood near the south property line to the west. This tree is considered exceptional and must be protected and retained. He further recommends that the 29" diameter Deodar Cedar near the south property line should be preserved based on its size and location. Future construction will be subject to the provisions of SMC 23.44.008, 25.11.050 and 25.11.060 which sets forth tree planting and exceptional tree protection requirements on single family lots.

7. *Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single-family housing.*

This short subdivision is not a unit subdivision. Thus, this section is not applicable to this short plat proposal.

## **DECISION - SHORT SUBDIVISION**

The proposed short plat is **CONDITIONALLY GRANTED**.

## **CONDITIONS - SHORT SUBDIVISION**

### **Prior to Recording**

1. Have final recording documents prepared by or under the supervision of a Washington state licensed land surveyor. Each lot, parcel, or tract created by the short subdivision shall be surveyed in accordance with appropriate State statutes. The property corners set shall be identified on the plat and encroachments such as side yard easements, fences or structures shall be shown. Lot areas shall be shown on the plat. All existing structures, principal and accessory, shall be shown on the face of the plat, and their distances to the proposed property lines dimensioned.
2. Submit the final recording forms for approval and any necessary fees.
3. Insert the following on the face of the plat; "Tree preservation and planting options and landscaping requirements of Seattle Municipal Code 23.44.008 require trees for new single family development."
4. Identify all trees (16" diameter Pacific Dogwood) that require tree protection on the face of the plat.
5. Specify the location, description and removal of all trees at least 6" in diameter measured 4.5' above the ground, with correct species on the face of the plat.
6. Provide a tree protection plan approved by the City of Seattle Forester for all identified exceptional trees (which must include the 16" diameter Pacific Dogwood).
7. A no-protest agreement for future improvements to Northeast 97<sup>th</sup> Street shall be signed and recorded with the King County Department of Records and Elections.

### **Prior to the Individual Transfer or Sale of Lots**

1. Legally demolish or remove the existing structures (single family residence and detached greenhouse) prior to sale, purchase, or other ownership transfer of any of the parcels.

### **After Recording and Prior to Issuance of a Building Permit**

1. Attach a copy of the recorded subdivision to all future building permit application plans.
2. Attach a copy of the approved tree protection plan to all future building permits. Final design must be reviewed by City of Seattle Forester prior to final approval.
3. A no-protest agreement for future improvements to Northeast 97<sup>th</sup> Street shall be signed and recorded with the King County Department of Records and Elections for future construction on both Parcels A and B.
4. An engineered drainage control plan that includes both Parcel A and Parcel B must be reviewed and approved by a DPD Drainage Reviewer prior to issuance of the first construction permit.

Signature: (signature on file) Date: May 13, 2004  
Tamara Garrett, Land Use Planner  
Department of Planning and Development